

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JOHN BULTHOUSE Individually and as
Personal Representative for the Estate of
Paul Bulthouse, Deceased,

PLAINTIFF,

-vs-

Case No.: 1:21-cv-00281
Hon. Paul L. Maloney

COUNTY OF MUSKEGON et. al.
DEFENDANTS.

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**DEFENDANT, WELLPATH, LLC'S MOTION FOR PROTECTIVE ORDER
TO FILE SUPPLEMENTAL SETTLEMENT DOCUMENT UNDER SEAL**

NOW COMES Defendant, WELLPATH, LLC, by and through its attorneys, FOLEY, BARON, METZGER & JUIP, PLLC, and for its Motion for Protective Order to File Supplemental Settlement Document Under Seal, pursuant to Fed. R. Civ. Proc. 5.2(d) and Local Rule 10.6, states as follows:

1. On or about March 29, 2021, Plaintiff filed the present action alleging in pertinent part that Wellpath, LLC and/or certain employees of Wellpath, LLC ("the Wellpath Defendants"), as well as Joseph Natole Jr., P.C., engaged in certain actions towards the Plaintiff's decedent, Paul Bulthouse, that were deliberately indifferent to his serious medical needs and/or professionally/medically negligent while incarcerated at the Muskegon County Jail causing him harm.

2. The Wellpath defendants and Plaintiff agreed to facilitate the claims alleged against the Wellpath defendants, and so participated in the facilitation with Judge Dan Ryan on 9/10/2021 resulting in an agreement between Plaintiff and Wellpath, LLC also including Joseph Natole Jr., P.C., to resolve all claims against them.

3. On 10/8/2021, Plaintiff signed a Settlement and Release of All Claims with Confidentiality and Non-Disclosure provisions. As an oversight,

Joseph Natole Jr., P.C. was not mentioned in the signed document. That document was accepted for filing with the Court under seal because the terms are confidential in nature per agreement between the parties.

4. On April 8, 2022 the parties appeared in Court for Plaintiff's Motion to Approve Wrongful Death Settlements and Distribution of the Proceeds. At the hearing, the Court directed Defense counsel to obtain and submit a supplemental document including defendant Joseph Natole Jr., P.C., in the resolution of claims between the party.

5. On April 18, 2022 Plaintiff signed an Addendum to Settlement and Release of All Claims with Confidentiality And Nondisclosure Provisions.

6. According to Fed. R. Civ. P. 5.2(a), an electronic or paper filing with the court that contains certain pieces of sensitive, private, and personal information must be redacted to eliminate the public disclosure of those types of information.

7. Subsection (d) of Rule 5.2 provides that the Court may enter an Order that a filing may be made under seal without redaction. Fed. R. Civ. P. 5.2(d).

8. E.D. Mich. LR 10.6(b) provides for the filing of documents under seal pursuant to a protective order under circumstances like the present, where the document contains private and sensitive information subject to a

nondisclosure agreement and for good cause shown.

9. Therefore, in compliance with the Federal Rules of Civil Procedure and Local Rules of the Western District of Michigan referenced above, the Defendant, Wellpath, LLC, now moves this Court to enter the proposed Protective Order to File Document referenced in this motion Under Seal to protect the confidentiality provisions of the settlement agreement between the parties.

10. Pursuant to Local Rule 7.1(d), Defense counsel Brian Richtarcik received concurrence in the relief sought in this motion from Plaintiff's counsel, Marcel Benavides.

WHEREFORE, the Defendant, WELLPATH, LLC, respectfully requests this Honorable Court to enter the proposed Order to File Documents Under Seal, including Addendum to Settlement and Release of All Claims with Confidentiality and Nondisclosure Provisions.

Respectfully submitted,

Dated: April 29, 2022

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BRIEF IN SUPPORT OF
DEFENDANT, WELLPATH, LLC'S MOTION FOR PROTECTIVE ORDER
TO FILE SUPPLEMENTAL SETTLEMENT DOCUMENT UNDER SEAL

NOW COMES the Defendant, WELLPATH, LLC, by and through its attorneys, FOLEY, BARON, METZGER & JUIP, PLLC, and for its Brief In Support Of Motion For Protective Order To File Supplemental Settlement Under Seal, pursuant to Fed. R. Civ. Proc. 5.2(d) and Local Rule 10.6, relies upon the facts and arguments set forth in its Motion as if more fully restated herein.

Respectfully submitted,

Dated: April 29, 2022

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PROOF OF SERVICE

I hereby certify that on April 29, 2022, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the attorneys of record listed herein and I hereby certify that I have mailed by US Postal Service the document to the involved non-participants.

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